

From: Danny Aleshire <danny.aleshire@awattorneys.com>
Sent time: 02/20/2019 09:55:24 AM
To: Boyd Hill <B Hill@jacksontidus.law>
Cc: Ara Mhrianian; Jill Martin <jmartin@trumpnational.com>; So Kim; Zowarka, Tom <Tom.Zowarka@fnf.com>; Selim <Selim@sawayaeng.com>
Subject: FW: Trump - Certificate of Acceptance
Attachments: RPV_Trump - Amendment to Conservation Easement OTDs (3).docx

Hi Boyd,

See below from Karla at the Coastal Commission. She would like to process this clerical change to the Certificate of Acceptance as an amendment rather than a replacement. I agree with her that this can be done as an amendment, though it should probably include VH Property Corp/VHPS as signatories for the new legal descriptions.

She's indicated that it will take a few weeks for them to review the legal descriptions so I suppose we have some time for this. Let me know if you'd like me to prepare the draft amendment to send them for review.

Also – has Selim sent the Coastal Commission an updated version of the Final Map for 50666 to address their prior comments?

Thanks,
Danny

From: Galvez, Karla@Coastal [mailto:Karla.Galvez@coastal.ca.gov]
Sent: Tuesday, February 19, 2019 1:06 PM
To: Danny Aleshire
Cc: Tobin, Erin@Coastal; Rehm, Zach@Coastal; Sexton, Pat@Coastal
Subject: RE: Trump - Certificate of Acceptance

Hi Danny –

I'm not comfortable processing these changes as a re-recording of the COA. However, assuming we confirm all the changes are consistent with the prior approvals, we can work with you on processing an amendment. My recommendation is that it be similar to the Special Condition 2 Amendment to Conservation Easement we agreed to (see attached) which would update the exhibit with the new legal descriptions and graphics. In any event, there needs to be a Coastal signature on the document.

Regarding the 30 pages of new legal description and graphic depictions, we'll review and get back to you with any comments at our earliest opportunity but it'll be a couple of weeks at the earliest.

Regarding the tract map for 50666, please note we have not approved a final version for recording. The last version we received still needed a variety of changes. We have told the applicant this repeatedly so I don't understand why they are trying to proceed without Commission approval.

Karla V. Galvez, Attorney
California Coastal Commission
45 Fremont St., Ste 2000
San Francisco, CA 94105
T: (415) 904-5220

From: Danny Aleshire [mailto:danny.aleshire@awattorneys.com]
Sent: Wednesday, February 13, 2019 8:20 PM
To: Rehm, Zach@Coastal; Galvez, Karla@Coastal; Sexton, Pat@Coastal
Cc: Danny Aleshire
Subject: Trump - Certificate of Acceptance

Hi All,

I have discussed with Zach an issue that has come up in Trump's attempt to record the Final Map. The title company needs to provide a subdivision report in order to record the Final Map and it is unwilling to confirm the exact boundaries of the property that was conveyed to the City under the OTD for Fee Title (in Oct. 2000), given the fact that it is based solely on a crude map depiction and description in the OTD and the appearance of possible discrepancies from that map depiction and the actual boundaries of the property conveyed to the City as now shown in the Final Map. See attached for the depiction / description in the OTD which is the only description / depiction of the property that is purportedly conveyed under the OTD.

To address this issue, we have prepared the attached replacement Certificate of Acceptance, which the title company has signed off on, and which includes the specific legal descriptions of the open space areas that were intended to be dedicated to the City under the OTD for Fee Title. This document describes the issue as simply a clerical error in the previously recorded Certificate of Acceptance, based on the fact that the CoA did not include an Exhibit B which was intended to be attached to the previously recorded CoA. The Exhibit B to this document provides the specific legal descriptions of the open space parcels that were intended to be dedicated to the City, which the City Engineer has previously reviewed, commented on, and ultimately signed off on.

This document is intended to be signed by Trump, the City, and the Coastal Commission so that its explicitly clear what property was intended to be transferred to the City under the OTD for Fee Title. If you are ok with the City signing this document without the Coastal Commission's signature, that's fine, but we wanted to give you the opportunity if desired.

Please review and let us know if this is acceptable for execution as we'd like to get this scheduled for a Council hearing asap. Of course, if you have any questions, please don't hesitate to contact me.

Thanks,

Danny Aleshire | Associate

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RECORDING REQUESTED BY:

WHEN RECORDED RETURN TO:

CALIFORNIA COASTAL COMMISSION
725 Front Street, Suite 300
Santa Cruz, CA 95060
ATTN: LEGAL DIVISION

AMENDMENT TO CONSERVATION EASEMENT OFFERS

This AMENDMENT TO CONSERVATION EASEMENT OFFERS (this “Amendment”) is made by the City of Rancho Palos Verdes, a municipal corporation, and shall amend each of (1) the Irrevocable Offer to Convey a Conservation Easement to the California Department of Fish and Game recorded in the Los Angeles County Records Office (“Official Records”) as Instrument Number 97-1990231 on December 18, 1997, (2) the Irrevocable Offer to Convey a Conservation Easement to the California Department of Fish and Game recorded in the Official Records as Instrument Number 97-1990232 on December 18, 1997, and (3) the Irrevocable Offer to Convey a Conservation Easement to the California Department of Fish and Game recorded in the Official Records as Instrument Number 00-1456233 on September 18, 2000 (collectively, the “Offers”), as follows:

1. The period during which each of the Offers may be accepted is hereby extended to December 16, 2023 and this Amendment shall continue to be binding on Grantor and its heirs, assigns or successors in interest to the Property (as such term is defined in the Offers) until December 16, 2023.
2. The term “Grantee” under the Offers is hereby defined as the California Department of Fish and Wildlife (as successor-in-interest to the California Department of Fish and Game) and/or any other public or private entity approved by the Executive Director of the California Coastal Commission to accept the Offers.

Except as expressly modified herein, the terms and provisions of the Offers shall remain in full force and effect.

[SIGNATURE PAGE FOLLOWS]

This Amendment is hereby executed on behalf of the City of Rancho Palos Verdes as of the date set forth below.

Dated: _____, 2018

GRANTOR:

CITY OF RANCHO PALOS VERDES,
a California Municipal Corporation

By: _____

Print name of above

Its: _____

ATTEST:

Emily Colborn, City Clerk

APPROVED AS TO FORM:

ALESHIRE & WYNDER, LLP

William W. Wynder, City Attorney

[SEE FOLLOWING PAGE FOR NOTARY ACKNOWLEDGEMENTS]

RPV_Trump - Amendment to Conservation Easement OTDs (3).docx

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF _____

On _____, before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

This is to certify that the Amendment to Conservation Easement Offers set forth above is hereby acknowledged by the undersigned officer on behalf of the California Coastal Commission when it granted Coastal Development Permit Amendment No. A-5-RPV-93-005, and the California Coastal Commission consents to recordation thereof by its duly authorized officer.

Dated: _____

CALIFORNIA COASTAL COMMISSION

Karla Galvez, Staff Counsel

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.
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STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

On _____, before me, JEFF G. STABEN-MIHALEK, Notary Public, personally appeared KARLA GALVEZ, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)